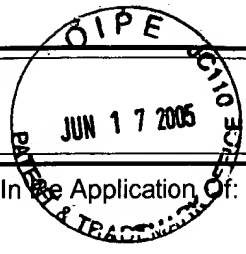


2142



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
JP919990264US1 (14154)

In the Application Of: **Xiao Wei Hu, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/759,837	January 11, 2001	Robert B. Harrell	23389	2142	1902

Title: **A FRAMEWORK SYSTEM AND METHOD FOR TESTING SERVER PERFORMANCE UNDER MULTIPLE WORKLOADS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

SUBMISSION UNDER 37 C.F.R. 1.97(i)
PTO FORM 1449

Inventor's Comments explaining relevance of prior art documents

in the above identified application.

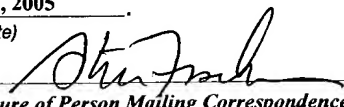
- ☒ No additional fee is required.
 - ☐ A check in the amount of _____ is attached.
 - ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0510/IBM** as described below.
 - ☐ Charge the amount of _____
 - ☒ Credit any overpayment.
 - ☒ Charge any additional fee required.
 - ☐ Payment by credit card. Form PTO-2038 is attached.
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**


Signature

Dated: **June 14, 2005**

Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on June 14, 2005 (Date)	
	
Signature of Person Mailing Correspondence	
Steven Fischman	
Typed or Printed Name of Person Mailing Correspondence	

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xiao Wei Hu, et al.

Examiner: Robert B. Harrell

Serial No.: 09/759,837

Group Art Unit: 2142

Filed: January 11, 2001

Docket: JP919990264US1 (14154)

For: A FRAMEWORK SYSTEM AND METHOD
FOR TESTING SERVER PERFORMANCE
UNDER MULTIPLE WORKLOADS

Dated: June 14, 2005

Confirmation No. 1902

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION UNDER 37 C.F.R. 1.97(i)


Sir:

Further to the Information Disclosure Statement submitted December 13, 2004 in connection with this case, and in accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following attached comments be included with the record that explain relevance of prior art documents submitted with the Information Disclosure Statement dated December 13, 2004, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2005.

Dated: June 14, 2005


Steven Fischman

1. Junrou Nose, Performance Estimation Technique of Information System (The Last), "Summary of Performance Estimation and Tool", LAN TIMES, 1998.05.01, SOFTBANK Corp., Vol. 8, No. 5, pp. 152-156;
2. Tasturou Kitagou, "Automating Test for Distributed System and Enhancing Quality, ASQ Tools Appearing One After Another", NIKKEI ELECTRONICS, 1996.09.23, NIKKEI BP Corp., No. 671, pp. 135-140; and
3. Kaoru Majima, Feature Article 2 on Pro Use 'Utility', "Application Test Tool", NIKKEI SOFTWARE, 1998.08.24, NIKKEI BP Corp., Vol. 1, No. 3, pp. 122-129.

The references were cited in an Office Action dated September 28, 2004 received from the Japanese Patent Office and were submitted in the Information Disclosure Statement of December 14, 2004.

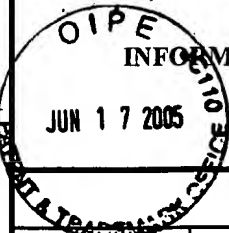
Respectfully submitted,



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SF:gc

 INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) JP919990264US1 (14154)		Application Number 09/759,837		
				Applicant(s) Xiao Wei Hu, et al.				
				Filing Date January 11, 2001		Group Art Unit 2142		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO	
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
		Junrou Nose, Performance Estimation Technique of Information System (The Last), "Summary of Performance Estimation and Tool", LAN TIMES, 1998.05.01, SOFTBANK Corp., Vol. 8, No. 5, pp. 152-156						
		Tasturou Kitagou, "Automating Test for Distributed System and Enhancing Quality, ASQ Tools Appearing One After Another", NIKKEI ELECTRONICS, 1996.09.23, NIKKEI BP Corp., No. 671, pp. 135-140						
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

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							YES	NO
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